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*Attorneys for Defendant
Harrah's Las Vegas, LLC*

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MELITON HERNANDEZ;

Plaintiff,

vs.

HARRAH'S LAS VEGAS, LLC, a Nevada
Limited Liability Company;

Defendants.

Case No.

**NOTICE OF REMOVAL OF CIVIL ACTION
TO THE UNITED STATES DISTRICT
COURT FOR THE DISTRICT OF NEVADA
UNDER 28 U.S.C. § 1331 AND § 1441**

(EIGHTH JUDICIAL DISTRICT COURT, OF
THE STATE OF NEVADA, CLARK COUNTY,
CASE NO. A-20-822326-C)

TO: THE CLERK OF THE ABOVE-ENTITLED COURT:

PLEASE TAKE NOTICE that, pursuant to 28 U.S.C. §§ 1331 and 1441, Defendant Harrah's Las Vegas, LLC, the sole-named defendant in this action ("Defendant") hereby invokes this Court's subject-matter jurisdiction and removes the state court action described herein from the Eighth Judicial District Court of the State of Nevada in and for the County of Clark to the United States District Court for the District of Nevada.

Removal to this Court is proper for the following reasons:

1. **Service of Pleadings:**

a. **Summons and Complaint.** On or about October 1, 2020, Plaintiff Meliton Hernandez ("Plaintiff") filed, in the Eighth Judicial District Court in and for the State of Nevada, the

1 civil action entitled *Meliton Hernandez v. Harrah's Las Vegas, LLC*, Case No. A-20-822326-C (the
 2 "State Court Action"). Plaintiff then filed a First Amended Complaint in the State Court Action on
 3 October 30, 2020. On January 7, 2021, Plaintiff served upon Defendant the Summons and First
 4 Amended Complaint. Copies of the Summons and First Amended Complaint, as served on
 5 Defendant, are attached hereto as **Exhibit 1**.

6 b. **Additional Pleadings**: No other process, pleadings, or orders have been
 7 served on the Defendant in the State Court Action.

8 2. **Removal is Timely**: Defendant has not pled, answered, or otherwise appeared in the
 9 State Court Action. Defendant files this Notice of Removal within thirty (30) days after service of
 10 the initial pleading that was served on Defendant which sets forth the claims for relief upon which
 11 Plaintiff's State Court Action is based (*i.e.*, the First Amended Complaint). This Notice of Removal
 12 is therefore timely filed pursuant to 28 U.S.C. § 1446(b)(1).

13 3. **Federal Question Jurisdiction**: This is a civil action over which this Court has
 14 original and supplemental jurisdiction under 28 U.S.C. §§ 1331, 1367, and 1441(a). In the first
 15 cause of action set forth in his First Amended Complaint, Plaintiff alleges violations of the federal
 16 Americans with Disabilities Act, 42 U.S.C. § 12101 *et seq.* As this claim presents a federal question,
 17 this Court has original jurisdiction over such claim pursuant to 28 U.S.C. § 1331.

18 Additionally, Plaintiff's second causes of action asserts a cause of action under state law,
 19 namely, Nevada Revised Statutes Chapter 613. The Court has supplemental jurisdiction over
 20 Plaintiff's state law claim pursuant to 28 U.S.C. § 1367(a).

21 4. **Proper Venue and Forum**: This Court is a proper venue and forum for removal
 22 pursuant to 28 U.S.C. § 1441(a) because Plaintiff filed the State Court Action in the Eighth Judicial
 23 District Court of the State of Nevada, in and for Clark County.

24 5. **Notice to State Court**: In accordance with 28 U.S.C. § 1446(d), the undersigned
 25 certifies that concurrently with the filing of this Notice, copies of this Notice are being served on
 26 Plaintiff and filed with the Clerk of the Court in the Eighth Judicial District Court of the State of
 27 Nevada, in and for Clark County.

1 6. **Other Defendants:** Defendant is the only named defendant in the State Court
2 Action. 28 U.S.C. § 1446(b)(2)(A) (only defendants who have been served need join in or consent
3 to removal).

4 7. **Rule 11 Certification:** This Notice of Removal is signed pursuant to Rule 11 of the
5 Federal Rules of Civil Procedure as required by 28 U.S.C. § 1446(a).

6 8. **No Waiver:** Nothing in this Notice of Removal shall be interpreted as a waiver or
7 relinquishment of Defendant's right to assert any defense or affirmative matter including, but not
8 limited to, the defenses of Plaintiff having failed to state a cognizable legal claim, or any other
9 procedural or substantive defense available to Defendant.

10 WHEREFORE, Defendant Harrah's Las Vegas, LLC removes the action pending in the
11 Eighth Judicial District Court of Nevada, in and for the County of Clark, as Case No. A-20-822326-
12 C to the United States District Court for the District of Nevada.

13 Dated: January 27, 2021

FENNEMORE CRAIG, P.C.

/s/ Shannon S. Pierce

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*Attorneys for Defendant
Harrah's Las Vegas, LLC*

CERTIFICATE OF SERVICE

I certify that I am an employee of FENNEMORE CRAIG, P.C., and that on this date, pursuant to FRCP 5(b), I am serving a true and correct copy of the attached NOTICE OF REMOVAL on the parties set forth below by:

XXX Placing an original or true copy thereof in a sealed envelope placed for collection and mailing in the United States Mail, at Reno, Nevada, postage prepaid, following ordinary business practices

_____ Certified Mail, Return Receipt Requested

_____ Via Facsimile (Fax)

_____ Placing an original or true copy thereof in a sealed envelope and causing the same to be personally Hand Delivered

_____ Federal Express (or other overnight delivery)

_____ E-service via CM/ECF

addressed as follows:

James P. Kemp, Esq.
Kemp & Kemp, Attorneys at Law
7435 W. Azure Drive, Suite 110
Las Vegas, NV 89130
jp@kemp-attorneys.com
Attorneys for Plaintiff

DATED this 27th day of January, 2021.

/s/ Debbie Sorensen
An employee of FENNEMORE CRAIG, P.C.

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INDEX OF EXHIBITS

<u>Exhibit</u>	
<u>No.</u>	<u>Description</u>
1	Summons and First Amended Complaint, as served on Defendant